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 BY DPTY. CLK. CMG
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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DISTRICT OF MASS.

VENTANA MEDICAL SYSTEMS, INC.,)

Plaintiff)

CIVIL ACTION NO. _____

vs.)

VISION BIOSYSTEMS INC.,)

Defendant)

06 CA 11684 *GAO JLT*

MAGISTRATE JUDGE *Callings*

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Ventana Medical Systems, Inc. ("Ventana"), for its complaint, avers as follows:

Parties

1. Ventana is a corporation organized under the laws of the State of Delaware, with its principal place of business in Tucson, Arizona.

2. Upon information and belief, defendant Vision BioSystems, Inc. ("Vision") is a corporation organized under the laws of Delaware, with its principal place of business in Norwell, Massachusetts.

Jurisdiction and Venue

3. This is an action arising under the patent laws of the United States, 35 of the United States Code. This Court has subject matter jurisdiction based on 28 U.S.C. §§ 1331 and 1338(a). Venue in this court is based on 28 U.S.C. § 1391 and 1400(b).

Claim for Relief

4. Ventana is the owner by assignment of U.S. Patent No. 6,594,537 B1 (“the ‘537 patent”), which was duly and legally issued by the United States Patent and Trademark Office on July 15, 2003.

A true and correct copy of the ‘537 patent is attached hereto as Exhibit A.

5. Vision is not licensed under the ‘537 patent.

6. Vision is infringing the ‘537 patent by making, using, offering to sell, and/or selling an apparatus known as the Bond OCR.

7. Ventana has been damaged by Vision’s infringing activities and will be irreparably injured unless such infringing activities are enjoined by the Court.

8. Vision’s infringement of the ‘537 patent has been willful, making this case exceptional under 35 U.S.C. § 285 and warranting an award of trebled damages under 35 U.S.C. § 284.

Prayer for Relief

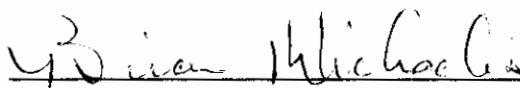
WHEREFORE, Ventana prays for judgment that:

- a. Vision has directly infringed, contributed to the infringement of, and induced infringement of the '537 patent;
- b. Preliminary and permanently enjoins Vision, its officers, agents, servants, employees, attorneys, successors and assigns, and all others in active concert or participation with anyone of them, from infringing the '537 patent;
- c. Awards Ventana damages adequate to compensate for Vision's infringement, together with interests and costs;
- d. Trebles the damages assessed pursuant to 35 U.S.C. § 284;
- e. Awards Ventana its attorneys fees pursuant to 35 U.S.C. § 285; and
- f. Awards Ventana such other and further relief as the Court may deem proper.

Dated: September 18, 2006

VENTANA MEDICAL SYSTEMS, INC.

By its attorneys,



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